

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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U.S. EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION,

Plaintiff,

v.

CENTER ONE, LLC

Defendant.

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: Civil Action No. 2:19-cv-01242-DSC  
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**DEFENDANT’S MOTION TO DISMISS DEMETRIUS FORD’S  
COMPLAINT IN INTERVENTION**

AND NOW, comes Defendant, Center One, LLC, by and through the undersigned counsel, and files the within Motion to Dismiss Demetrius Ford’s Complaint in Intervention pursuant to Federal Rule of Civil Procedure 12(b)(6), and in support thereof, avers as follows:

1. On March 31, 2020, Demetrius Ford filed a Motion to Intervene as of Right, ECF No. 16, which was granted the following day. ECF No. 23.

2. Attached to the Motion to Intervene filed by Plaintiff-Intervenor Ford was his Complaint in Intervention against Defendant Center One, LLC, asserting claims of discrimination on the basis of religion in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e *et seq.* (“Title VII”). ECF No. 16-1 at 8-11.

3. The Complaint in Intervention alleges that Defendant failed to accommodate a sincerely held religious belief that conflicted with a job requirement of the Defendant, resulting in Plaintiff-Intervenor’s constructive discharge. *See generally* ECF No. 16-1.

4. Defendant now timely files the within motion to dismiss Plaintiff-Intervenor’s Complaint in Intervention for failure to state a claim upon which relief can be granted, pursuant to

Federal Rule of Civil Procedure 12(b)(6). Defendant's Brief in Support of its Motion to Dismiss is incorporated herein by reference.

WHEREFORE, Defendant Center One, LLC respectfully requests that the Court enter an Order, substantially in the form appended hereto, dismissing the Complaint in Intervention in its entirety, with prejudice, pursuant to Federal Rule of Civil Procedure 12(b)(6).

Respectfully submitted,

**MARGOLIS EDELSTEIN**

BY: /s/ Emily E. Mahler

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*Counsel for Defendant*

*Center One, LLC*

**CERTIFICATE OF SERVICE**

I, Emily E. Mahler, Esquire, hereby certify that a true and correct copy of the within Motion to Dismiss has been served upon the following individuals via Notice of Electronic Filing, this 8th day of April, 2020:

Gregory A. Murray  
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MARGOLIS EDELSTEIN

BY: /s/ Emily E. Mahler  
Emily E. Mahler, Esquire  
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*Center One, LLC*